

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 334

AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 36-8-21.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 21.5. Severe Weather Warning Sirens

Sec. 1. As used in this chapter, "department" refers to:

- (1) the department of homeland security established by IC 10-19-2-1; or
- (2) an appropriate division within the department of homeland security, as determined by the executive director of the department of homeland security.

Sec. 2. As used in this chapter, "infrastructure agency", with respect to an area in a county, means:

- (1) a political subdivision; or
- (2) an agency;

responsible for planning for, acquiring, operating, maintaining, or testing one (1) or more severe weather warning sirens in the area.

Sec. 3. As used in this chapter, "plan" refers to a siren coverage plan adopted by a county under section 13 of this chapter.

Sec. 4. As used in this chapter, "planning agency", with respect to an area, means:

- (1) a unit that has planning and zoning jurisdiction over all or any part of the area; or

SEA 334 — Concur+



C
o
p
y

(2) a plan commission that has planning jurisdiction over all or any part of the area.

Sec. 5. As used in this chapter, "planned siren" refers to a siren that satisfies all of the following:

- (1) The siren has a definite location within the county.
- (2) The funding for the siren has been identified.
- (3) An approximate date for the siren's acquisition and installation has been determined.

Sec. 6. As used in this chapter, "report" refers to a siren coverage report prepared by a county under section 11 of this chapter.

Sec. 7. As used in this chapter, "severe weather" means:

- (1) a tornado; or
- (2) any other storm, weather condition, or emergency designated by the department in a rule adopted under section 9 of this chapter.

Sec. 8. As used in this chapter, "severe weather warning siren" or "siren" means a siren that can be activated within a specified range to warn residents of an occurrence or imminent threat of severe weather.

Sec. 9. Before January 1, 2010, the department shall adopt rules under IC 4-22-2 to provide for the following:

- (1) Minimum technical standards, including a minimum range, for any siren that is to be acquired and installed in a county under a county's siren coverage plan.
- (2) A specification of any permissible storm, weather condition, or emergency, other than a tornado, for which a severe weather warning siren may be activated.
- (3) Requirements for any test, activation, or failure rate data that the department may require a county to submit with respect to any siren identified by a county in a:
 - (A) siren coverage report prepared under this chapter; or
 - (B) siren coverage plan prepared under this chapter.
- (4) Any other rules necessary for the department to:
 - (A) assess the number, location, and condition of existing severe weather warning sirens in each county in Indiana; and
 - (B) determine the need for additional sirens in order to ensure comprehensive severe weather warning siren coverage for all Indiana residents.

Sec. 10. (a) At the request of the county legislative body, the department shall assist the county in development of a siren

**C
O
P
Y**



coverage plan for the county.

(b) In developing a siren coverage plan for a county, the department may require the county to develop a siren coverage report.

Sec. 11. (a) Except for the recommendation required by subsection (b)(3), the county legislative body may designate one (1) or more:

- (1) infrastructure agencies; or
- (2) other departments, divisions, or agencies;

to prepare a siren coverage report.

(b) A siren coverage report must include the following:

(1) A description of all existing and planned severe weather warning sirens in the county as of the date of the report. For each severe weather warning siren identified, the following information must be included:

(A) The location of the siren within the county, including an identification of any political subdivision in which the siren is or will be located. The information provided under this clause must include a map depicting the location of each siren within the county.

(B) The following technical and other specifications for the siren:

- (i) The manufacturer and model year.
- (ii) For an existing siren, the date of installation.
- (iii) For a planned siren, the planned dates for installation and first operation.
- (iv) The range of the siren, identified in miles or some other appropriate measure of distance.
- (v) The number of persons living within the range identified under item (iv), as determined by the most recent federal census block data available.
- (vi) For an existing siren, siren activation data for the most recent twelve (12) month period, including the date of each activation and whether the siren was activated for testing purposes or for an actual severe weather event. If an existing siren has been in operation for less than twelve (12) months, the data required by this item must cover all activations occurring since the date the siren first came online.
- (vii) For an existing siren, the siren's failure rate, as determined from the data reported under item (vi).

(2) An identification of the areas in the county that are not

C
O
P
Y



within the range of an existing or a planned siren. For each area identified under this subdivision, the following information must be included:

(A) The number of persons living in the area, as determined by the most recent federal census block data available.

(B) Any development planned for the area, as determined through consultation with all appropriate planning agencies. The information required by this clause must include:

(i) the type of development proposed;

(ii) the number of new dwelling units or other buildings proposed; and

(iii) the status of the proposal, including the status of any needed permits or approvals.

(3) Subject to subsection (e), a recommendation by the county legislative body as to the county's need for any additional sirens, other than those sirens identified as planned sirens under subdivision (1). The county legislative body may recommend under this subdivision additional sirens to provide coverage for:

(A) any of the areas identified under subdivision (2) as not within the range of an existing or a planned siren; or

(B) any area identified under subdivision (1) as within the range of an existing siren, if the county legislative body determines that the existing siren does not provide consistent or adequate coverage for the area, based on the existing siren's failure rate, as determined under subdivision (1)(B)(vii).

(c) In making a recommendation under subsection (b)(3), the county legislative body:

(1) may consult with the department; and

(2) shall consult with each:

(A) infrastructure agency; and

(B) planning agency;

with jurisdiction in an area identified by the county legislative body as needing one (1) or more sirens.

(d) Before adopting the siren coverage report prepared under this section, the county legislative body must do the following:

(1) Give notice of and hold at least one (1) public hearing on the report.

(2) Publish, in accordance with IC 5-3-1, a schedule stating the

C
O
P
Y



time and place of each hearing. The schedule must also state where the entire report is on file and may be examined in its entirety for at least ten (10) days before the hearing.

(e) After considering any comments made at the hearing required by subsection (d), the county legislative body shall:

(1) adopt the report:

(A) as originally proposed; or

(B) as modified by the county legislative body after the hearing required by subsection (d); and

(2) submit the report to the department.

Sec. 12. The department shall do the following not later than six (6) months after a county submits a report under section 11 of this chapter:

(1) Review the siren coverage report.

(2) Make any recommendations to the county that the department determines is necessary to ensure comprehensive severe weather warning siren coverage for all residents of the county.

Sec. 13. (a) A county's siren coverage plan must contain the following information:

(1) The information included in the county's siren coverage report under section 11 of this chapter, including the following:

(A) Information concerning any areas in the county that are not within the range of an existing or a planned siren, as:

(i) identified by the county in its siren coverage report; and

(ii) updated or revised by the county as needed to provide an accurate and current assessment of the county's existing and planned sirens and need for additional sirens.

(B) Information concerning any areas in the county that are within the range of an existing siren if the department has determined that the existing siren does not provide consistent or adequate coverage for the area. As necessary, the county shall update the information provided under this clause as follows:

(i) To include any additional existing sirens that the county legislative body has determined do not provide consistent or adequate coverage for an area. The county shall provide the test, activation, or failure rate data to

C
O
P
Y



support its determination as may be required by a rule adopted by the department under this chapter.

(ii) To exclude any siren that the department has determined does not provide consistent or adequate coverage for an area. The county shall provide such proof as may be required by a rule adopted by the department under this chapter that the siren has been repaired or replaced.

(C) Any additional or revised information that:

(i) was not included in the county's siren coverage report; and

(ii) is necessary to provide an accurate and current assessment of the county's existing and planned sirens and need for additional sirens.

(2) An estimate of the nature and location of development that is expected to occur in each area identified under subdivision (1) during the ten (10) years immediately following the date of the adoption of the plan.

(3) An estimate of the type, location, and cost of the siren or sirens that are necessary to provide complete siren coverage for the areas identified under subdivision (1). The plan must indicate:

(A) the proposed timing and sequencing of the acquisition and installation of each siren; and

(B) the infrastructure agency that is responsible for acquiring and providing for the installation of each siren.

(4) A general description of the sources and amounts of money used to pay for any sirens installed in the county during the five (5) years immediately preceding the date of the plan.

(b) For each area in which the plan provides for the acquisition and installation of a siren, the plan must:

(1) provide for the acquisition and installation within the ten (10) years immediately following the date of the plan's adoption; and

(2) identify the revenue sources and estimate the amount of the revenue sources that the county intends to use to acquire and install the sirens identified under subsection (a)(3).

(c) In preparing, or causing to be prepared, the plan required by this section, the county:

(1) may consult with:

(A) the department; or

C
O
P
Y



- (B) a qualified engineer licensed to perform engineering services in Indiana; and
- (2) shall consult with each:
- (A) infrastructure agency; and
- (B) planning agency;
- with jurisdiction in an area described in subsection (a)(1).
- (d) Before adopting the siren coverage plan prepared under this section, the county legislative body must do the following:
- (1) Give notice of and hold at least one (1) public hearing on the plan.
- (2) Publish, in accordance with IC 5-3-1, a schedule stating the time and place of each hearing. The schedule must also state where the entire plan is on file and may be examined in its entirety for at least ten (10) days before the hearing.
- (e) After considering any comments made at the hearing required by subsection (d), the county legislative body shall:
- (1) adopt the plan:
- (A) as originally proposed; or
- (B) as modified by the county legislative body after the hearing required by subsection (e); and
- (2) submit the plan to the department.
- (f) A siren coverage plan adopted under this section takes effect on January 1 after its adoption. Each unit having planning and zoning jurisdiction in an area described in subsection (a)(1) shall incorporate the siren coverage plan as part of the unit's comprehensive plan and capital improvement plan, as appropriate.
- Sec. 14. The department shall assist a county that adopts a siren coverage plan to do the following:
- (1) Implementation of the plan.
- (2) Obtain federal and other grants to enable the county in implementation of the plan.
- SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "department" refers to the department of homeland security established by IC 10-19-2-1.
- (b) Notwithstanding IC 36-8-21.5-9, as added by this act, the department shall adopt rules to implement IC 36-8-21.5, as added by this act, in the same manner as emergency rules are adopted under IC 4-22-2-37.1. Any rules adopted under this SECTION must be adopted not later than January 1, 2010, as required by IC 36-8-21.5-9, as added by this act. A rule adopted under this SECTION expires on the earlier of:
- (1) the date the rule is adopted by the department under

C
O
P
Y



**IC 4-22-2-24 through IC 4-22-2-36 to implement IC 36-8-21.5,
as added by this act; or**

(2) July 1, 2012.

(c) This SECTION expires July 1, 2012.

SECTION 3. An emergency is declared for this act.

**C
o
p
y**



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

**C
o
p
y**

SEA 334 — Concur+

